

## **Annual Administrative Review of Bias Based Policing Activities Interim Report July 2003**

REFERENCES: MTPD Procedure 1-23 Bias Based Policing  
CALEA 1.2.9.d.

PREPARED BY: R. Steven Bailey, C.L.E.E., Chief of Police, Miami Township

The Miami Township Police Department complies with the CALEA Standard regarding bias based profiling. That standard reads as follows:

**1.2.9** *The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:*

- a. a prohibition against bias based profiling in traffic contacts, field contacts and in asset seizure and forfeiture efforts;*
- b. training agency enforcement personnel in bias based profiling issues including legal aspects;*
- c. corrective measures if bias based profiling occurs; and*
- d. an annual administrative review of agency practices including citizen concerns.*

Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable groups.

Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermines the legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, legislative action, and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. This agency will annually include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

To come into compliance with the CALEA standard, the Miami Township Police Department adopted Procedure 1-23 Bias Based Policing, on December 31, 2002. A complete copy is attached to this interim report.

As required by CALEA and our department policy, this department will conduct an annual administrative review of agency practices including citizen concerns that relate to bias based profiling or policing behaviors. The review will include the following:

- A. Listing each complaint.
- B. Explaining any action(s) taken.
- C. Recommending training needs.
- D. Recommending policy changes.

This Interim report is prepared in an effort to add emphasis to the importance of this policy and procedure, and to gauge how the department is addressing this matter to date. An interim report is not required by the CALEA standard or our department procedure.

- A. Listing each complaint.

As of this date, there have been no complaints or reports of bias based conduct on the part of any Miami Township Police Officer. This bodes well for our department and community. We typically have over 30,000 officer/citizen contacts each year. By now we have completed approximately 15,000 officer/citizens contacts without any complaint of biased profiling or conduct.

- B. Explaining any action(s) taken.

Having received no complaints, no actions have been needed to investigate or remedy the complaints. Our department maintains an open door to the public to allow the opportunity to make such a complaint. Our procedures for filing complaints are printed and available in our police lobby. We have also posted this information on our web site. Our officers and supervisors are familiar with the procedures and are available to explain them when requested.

- C. Recommending training needs.

Since there were no complaints, no training needs are suggested. The department has already conducted training to prevent or eliminate bias based profiling during the first quarter in-service session in March of this year. Plans are being made to conduct additional training on this topic during the third quarter in-service training session in August. Other related training will be presented as time allows.

- D. Recommending policy changes.

No policy changes are indicated or recommended as of this date.

We are fortunate to have a department staffed by intelligent, caring and professional officers. I am confident that their actions will continue to be above reproach and laudable by our community.

We will continue to emphasize this standard and procedure within the department. We will be alert for actual or potential problems in the community that may be related to bias based profiling or policing. We will address any complaint or concern brought to our attention on this very important matter.

# Bias-Based Policing

## **Procedure: 1-23**

Initial Issue: 12/31/2002

Revised Issue: NA

Review Month: November

### **I) Purpose:**

The purpose of this policy and procedure is to reaffirm the Miami Township Police Department's commitment to policing in an unbiased manner for all of its encounters between police officers and citizens and to re-enforce procedures that serve to maintain public confidence and trust through the provision of services in a fair and equitable fashion.

### **II) Policy:**

The Miami Township Police Department strives to treat everyone with respect and dignity and to recognize and appreciate the diversity among the citizens of our community. This diversity helps make our Township the interesting and culturally rich place that it is. It is the policy of the Miami Township Police Department not to condone or tolerate any bias-based policing or discriminatory actions, to investigate complaints of illegal practices and to train officers in the recognition and prevention of bias-based policing or discrimination. CALEA 1.2.9.a.

### **III) Definitions:**

- a) Bias-based policing -- The differential treatment of individuals in the context of rendering police service based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background. Bias-based policing may also be defined as a police action based solely on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal behavior. Use of the aforementioned classifications to identify a specific suspect for questioning or apprehension shall not constitute bias-based policing.
- b) Discrimination -- The unequal or disparate treatment of an individual based upon the person's race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.
- c) Disparate -- The differential treatment of an individual.
- d) Stop -- The restraint of an individual's liberty by physical force or a show of authority.
- e) Detention -- The act of stopping or restraining an individual's freedom to walk away, approaching and questioning an individual outside of a consensual encounter, or stopping an individual suspected of being involved in criminal activity.
- f) Search -- The act of looking for or seeking out that which is otherwise concealed from view.

### **IV) Procedure:**

#### Bias-based policing/Discriminatory Practices

Bias-based policing of individuals for investigatory stops or warrantless arrests is strictly prohibited.

- a) In the absence of a specific report indicating race as an identifying characteristic, the race or ethnicity of an individual shall not be a factor in:
  - i) Determining the existence of probable cause to place in custody or arrest an individual, or
  - ii) In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual, or
  - iii) The investigatory stop of a motor vehicle.
- b) In response to a specific credible report of criminal activity, the race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.
- c) Stops, detention, asset seizure and/or forfeiture based solely on race, age, gender, or sexual orientation or any other prejudicial basis by any employee is prohibited.
- d) The detention of any individual that is not based on factors related to a violation of or investigation of a violation of Federal law, Ohio State statutes, Township resolutions, or any combination thereof is prohibited.
- e) Employees should respond to requests for service and/or information based on the merits of the request and applicable departmental procedures and should not render a higher or lower level of service based on race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background
- f) No officer shall stop, detain, or search any person when such action is solely motivated by race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.

CALEA 1.2.9.a.

#### V) **Authority and Responsibility:**

Each supervisor will be responsible for continually monitoring and examining all areas of police actions and activities under their purview to ensure the dictates of this policy are being followed and to discover any indications of bias-based policing or discriminatory practices.

- a) Any employee who believes there is, or is made aware of, any violation of this policy will immediately contact his/her supervisor.
- b) All reports or complaints of discriminatory practices or bias-based policing will be documented and investigated in accordance with the provisions of Policy and Procedure 2-25 entitled Internal Affairs.

#### VI) **Annual Review**

The Chief of Police will complete an annual report on profiling and/or discrimination complaints. The annual summary report will include but not be limited to:

- a) Listing each complaint.
- b) Explaining any action(s) taken.
- c) Recommending training needs.
- d) Recommending policy changes.

CALEA 1.2.9.d.

## **VII) Training**

- a) All police department personnel will receive training about the harms of and legal aspects of bias-based policing and discrimination, including the review of this policy. This training will be intended to supplement the initial cultural diversity and awareness officers received in their basic recruit training. CALEA 1.2.9.c.
- b) In concert with appropriate disciplinary action, additional diversity and sensitivity training shall be designated for employees with sustained biased-based policing or other sustained discrimination complaints filed against them. CALEA 1.2.9.c.

## **VIII) Disciplinary Procedures**

- a) Consistent with the provisions of Department Policy and Procedure 2-27 Disciplinary Procedures, the appropriate sanctions will be implemented for noncompliance of this policy.
- b) In addition to required remedial training, officers who have sustained bias-based policing or sustained discrimination complaints filed against them may also be re-assigned.
- c) Failure to report any observed or known violations of this policy by any police department employee will result in disciplinary action.

CALEA 1.2.9.c.

## **IX) Permissible Police Action**

Nothing in this policy shall prohibit profiling of subjects, vehicles or containers based upon a combination of characteristics and identifiers, where any resulting profile is not based solely on race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background

**First Quarter Training Day**

**March 11 & 13, 2003**

Central Fire Station Training Room

**Uniform - Duty Uniform of the Day with Off Duty Holsters - Body Armor  
Optional**

<b><u>SCHEDULE</u></b>			
<b><u>Time</u></b>	<b><u>Subject</u></b>		<b><u>Instructor</u></b>
900	1000 Legal Update		Assistant Prosecutor
1000	1130 <b>Preventing Bias Based Policing</b> * <b>Professional Traffic Stop Procedures</b> * <b>Investigating Hate Crimes</b>		Officer Petrocelli Sergeant Al Fatute
1130	1230 Community Oriented Policing *Addressing Crime Problems in Apartment Complexes		Officer Schmid
1230	1300 <b>Review of New Procedures</b> <b>MTPD 1-23 Bias Based Policing</b>		Lt. Rogers
1300	1500 Review of Selected Procedures MTPD 2-17 Off Duty & Extra Duty Employment MTPD 4-07 Victim & Witness Assistance MTPD 4-09 Resource Agencies MTPD 6-17 Prisoner Transport MTPD 6-27 In Car Video Systems MTPD 7-07 Missing Persons MTPD 8-05 Deserted Child Bio- Hazard Response Procedures Surviving the Secondary Device - Video		Ms. Heideman Lt. Poe Lt. Poe Lt. Rogers Lt. Rogers Lt. Rowland Lt. Rowland Lt. Rogers Lt. Rogers